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March 21, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: CC Docket No. 92-297

Dear Mr. Caton:

On behalf of Ellipsat Corporation, I am transmitting herewith an original and four copies of its comments in the above-referenced proceeding with respect to establishment of an Advisory Committee to negotiate regulations for sharing the 27.5-29.5 GHz band by the proposed Local Multipoint Distribution Service and by satellite services.

Should there be any questions concerning this matter, kindly communicate with the undersigned.

Sincerely,

Jill Abeshouse Stern

Jill Abeshouse Stern

JAS:pad

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Establishment of an	)	
Advisory Committee	)	
to Negotiate Proposed	)	CC Docket No. 92-297
Regulations	)	RM-7872; RM-7722
	)	
Rulemaking to Amend Part 1 and	)	
Part 21 of the Commission's Rules	)	
to Redesignate the 27.5-29.5 GHz	)	
Frequency Band and to Establish	)	
Rules and Policies for Local	)	
Multipoint Distribution Service	)	

COMMENTS OF ELLIPSAT CORPORATION

Ellipsat Corporation ("Ellipsat"), by its attorneys, submits its comments supporting the Commission's proposal to establish an Advisory Committee to negotiate regulations defining the technical rules appropriate to sharing the 27.5-29.5 GHz band by the proposed Local Multipoint Distribution Service (LMDS) and by satellite services. In these comments, Ellipsat also indicates its willingness to negotiate in good faith, and designates the qualified individuals who will represent its interests, if an Advisory Committee is formed.

I.
ELLIPSAT SUPPORTS FORMATION OF AN ADVISORY COMMITTEE

Ellipsat fully supports the Commission's proposal to establish an Advisory Committee to develop technical regulations concerning use of the 28 GHz band by satellite and terrestrial services. The Commission is presented with competing satellite and terrestrial proposals for use of the 27.5-29.5 GHz band, and the negotiated rulemaking process will allow the parties to explore more fully the feasibility of sharing between services, and the specific spectrum requirements of each service.

As an applicant for MSS/RDSS authorization, Ellipsat has a strong interest in ensuring the availability of sufficient spectrum for feeder link communications. 1/ The 28 GHz band has been identified by the Commission, and the 1993 Negotiated Rulemaking Committee Report for MSS Above 1 GHz, as a potential source of feeder link (uplink) spectrum for LEO MSS systems.

A critical issue, from Ellipsat's standpoint, is whether LEO MSS feeder links can share with the proposed LMDS systems. The 1993 Negotiated Rulemaking Committee Report concluded that LMDS transmissions should be excluded from the 28 GHz band, because LMDS transmissions would cause unacceptable interference into LEO/MSS receivers. The feasibility of shared use, between LMDS

1/ As the Commission correctly notes, "[w]ithout the feeder links, an MSS system would be useless." Second Notice of Proposed Rulemaking, CC Docket No. 92-297, FCC 94-12, released February 11, 1994 at para. 18.

and MSS feeder links, must therefore be considered as a threshold issue in the context of the negotiated rulemaking.

Another key issue for consideration is the feeder link requirements of the various LEO MSS systems. Whether MSS systems can share the available feeder link spectrum, and, if so, what intra-service requirements are needed, are among the questions that will need to be resolved.

Even if a consensus is not ultimately reached, the negotiated rulemaking process will offer significant benefits in terms of ventilating the relevant sharing issues and is therefore a worthwhile undertaking.

II.
ELLIPSAT IS AN INTERESTED PARTY ENTITLED TO COMMITTEE REPRESENTATION

Ellipsat has been properly identified, in the FCC Public Notice proposing establishment of an Advisory Committee, as a party whose interests will be significantly affected by the proposed rules. As noted above, feeder links are a critical component of Ellipsat's mobile satellite system, and the 28 GHz band has been identified as a potential location for MSS feeder links.

Although a separate application for membership is not apparently required to ensure Ellipsat's participation on the Advisory Committee, to the extent such an application may be

necessary, these comments supply all requisite information and should be treated as an application for membership.

In the Public Notice, the Commission indicates that "[e]ach interest will have the opportunity to be adequately represented, although this does not necessarily mean that each potentially affected entity will have its own representative." In the case of the pending MSS applicants, it is important that each LEO MSS system be permitted separate representation if it so desires. There are significant technical differences between the MSS systems, including feeder link spectrum requirements. In addition, the LEO systems have differing market and service visions that are directly relevant to the negotiations. For these reasons, Ellipsat's interests would not be adequately represented by any other entity identified in the Notice, and it is entitled to represent its own interests on the Committee.

If an Advisory Committee is formed, Ellipsat will actively participate in good faith in the development of the rules under consideration. The primary individual designated by Ellipsat to represent its interests is Ambassador Gerald Helman, Vice President, Mobile Communications Holdings, Inc. Ellipsat will also be represented, as necessary, by Jay Brosius, the company's Chief Scientist.[2/]

2/ Messrs. Helman and Brosius may be contacted at MCHI offices: 1120-19th Street, N.W., Suite 480, Washington, D.C. 20036. Telephone No. 202/466-4488; Fax 202/466-4493.

III.
THE COMMISSION SHOULD CONTINUE TO SEEK ADDITIONAL FEEDER LINK SPECTRUM BELOW 15 GHz

Although the 28 GHz band offers one alternative for feeder link spectrum, the Commission should continue to pursue vigorously additional spectrum below 15 GHz for MSS feeder links.

Ellipsat has previously indicated its preference to use the 5/6 GHz bands or, alternatively, Ku-Band fixed satellite frequencies for feeder links. Based on Ellipsat's preliminary analysis, even assuming that there is sufficient feeder link spectrum at 28 GHz to accommodate all of the LEO systems and that the sharing issues can be satisfactorily resolved, the use of Ka-Band spectrum is likely to require a major system re-design, with the associated financial costs.

Because of the substantial costs and expense of developing Ka-Band antennas (which are not currently available) and modifying its system design to utilize the Ka-Band for feeder links, Ellipsat is continuing its efforts to find suitable feeder link spectrum in bands below 15 GHz, and urges the Commission to do likewise.[3/] Efforts to identify suitable frequencies below 15 GHz should proceed in parallel with the negotiated rulemaking process.

3/ In the Notice of Proposed Rulemaking in CC Docket No. 92-166, FCC 94-11, released February 18, 1994, at para. 77, the Commission indicated "we will continue to pursue bands below 15 GHz for MSS Above 1 GHz feeder links."

Ellipsat recognizes that suitable spectrum may not ultimately be available in the desired frequency bands below 15 GHz. The Commission has placed MSS applicants on notice that they may be required to modify their system design if they wish to go forward, and expects to identify spectrum in the 27.5-30.0 GHz band for Earth-to-space feeder link requirements for the MSS systems.

For this reason, Ellipsat supports the Commission's efforts to develop regulations through a negotiated rulemaking process in order to facilitate shared use of the Ka-Band spectrum by LEO/MSS and LMDS, and commits to negotiate in good faith if an Advisory Committee is formed. However, in light of the potential costs associated with Ka-Band feeder links (which costs will ultimately be borne by the public), Ellipsat urges the Commission to continue its efforts to find suitable spectrum below 15 GHz for MSS feeder links.

IV.
CONCLUSION

For the foregoing reasons, Ellipsat supports formation of an Advisory Committee to negotiate proposed regulations defining the technical rules appropriate to sharing the 27.5-29.5 GHz band, and commits to negotiate in good faith if an Advisory Committee is formed. However, Ellipsat urges the Commission to continue its efforts to identify suitable feeder link spectrum below

15 GHz because of the apparent costs and expenses of utilizing the 28 GHz band for MSS feeder links.

Respectfully submitted,

ELLIPSAT CORPORATION

By _____
Jill Abeshouse Stern

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